

Arabic and English. Except as otherwise noted the facts set forth herein are true to my own knowledge.

2. I have reviewed the case details of Neewra vs. Maersk Kuwait in its entirety and I am familiar with the facts of this case.

3. I submit this declaration in support of a motion by defendant Joginder Singh Sahni and Dawood Tajuddin Parkar to renew their motion for summary judgment on the grounds of *res judicata*, on the grounds that not only did Maersk sue Mr. Parkar for alleged litigation fraud and lost, both at the initial level and on appeal, but it also filed a complaint (FIR) against Mr. Parkar and my client Mr. Joginder Singh Sahni with the local precinct in Kuwait.

4. I have known Joginder Singh Sahni since 14 years . I am his legal consultant. My work for him has included corporate legal matters, in-house counsel, etc.

5. Maersk Kuwait, filed a criminal case in Kuwait against the principals of Al Tamasok (Refer to Exhibit B to Al Humaidan declaration) on Sep. 27, 1999. When Maersk lost the case in the Criminal court on Jan 26, 2002, Neewra subsequently brought a lawsuit in Kuwait on Feb. 19, 2002 against Maersk Kuwait in the Court of First Instance (Refer to Exhibit A to Zakaria declaration). After losing in the Appeals Court on March 14, 2004 (Refer to Exhibit B to Zakaria declaration) and in the Court of Cassation on April 9, 2005 (Refer to Exhibit C to Zakaria declaration), Maersk was compelled to pay the judgment to Neewra by the Enforcement Dept. at the Ministry of Justice, Kuwait.

6. Maersk, through its local representative, Behbehani then filed a criminal complaint against Mr. Joginder Singh Sahni and against Mr. Parkar, along with two other defendants, accusing them of fraud, the use of an allegedly forged bill of lading, in

connection with the Neewra action. That complaint, Misdemeanor File No. 176-2005 was filed by Mr. Elvis Andrew Pinto, then the commercial manager for Maersk Kuwait, on May 9, 2005. Annexed hereto as Exhibit B is a copy of the Complaint.

7. According to Kuwaiti law, a complaint has to be first registered with the local precinct. The complaint is then investigated by the Investigation Dept. at the Ministry of Interior. If there is any evidence of fraud, crime or criminal intent, formal charges are brought against the defendant and the Complaint is forwarded to the Criminal Court where a case is registered. On the basis of the verdict of the criminal case, the successful plaintiff can file a civil case for damages against the defendant.

8. This Complaint (FIR) was the basis for a case for a claim of damages by Maersk against Mr. Joginder Singh Sahni, Mr. Parkar and the other defendants.

9. That investigation was concluded against Mr. Sahni and Mr. Parkar, and no charges were made against Mr. Sahni or Mr. Parkar.

10. To my knowledge, based on my relationship with Mr. Sahni and my review of public documents in Kuwait, Mr. Sahni has no criminal record in Kuwait, and this now-ended "FIR" was the only criminal proceeding that has ever been brought against him.

11. I have reviewed the declaration of Ahmed Zakaria and find it misleading in its description of the Kuwait justice system. Mr. Zakaria, an Egyptian national, is not a member of the Kuwait Bar and is not qualified under Kuwaiti law to represent a client in the Kuwait Courts. Most importantly, it is true that Kuwait courts are not "required" as Mr. Zakaria misleadingly states, to recognize judgments obtained in foreign countries. Kuwait courts, like the courts of the United States, recognize foreign judgments as a

matter of international comity, and pursuant to the doctrine that a litigant who has had a full and fair opportunity to bring his case and who has lost should not be made to inconvenience the defendant again with the same lawsuit brought in another jurisdiction. Kuwait has also ratified the treaty governing the Hague Convention on Foreign Judgments in Civil and Commercial matters.

12. The legal system in Kuwait permits jury, pre-trial discovery, depositions, and cross-examination of witnesses. The Neewra proceedings lasted for 3 years and was extensively investigated by the Experts dept. for 2 years with thorough examination of all evidence. The case was decided on the merits of the claim as is evident from the Court judgments (Refer to Exhibit B and C to the Zakaria declaration).

13. The historic origins of Kuwaiti law are French codes. The Kuwaiti system permit interrogations, depositions of both opposing parties and third party witnesses, issues summons and subpoena, allows full discovery, and cross examination of witnesses under oath. As in the United States, Kuwait has civil law and criminal law system and does not apply Islamic law. Exhibit B to the Zakaria declaration (Refer to Page 5, paragraph 2 and Page 6, paragraph 2) mentions the implementation of Article No. 201 of the Maritime Trade Law and Article No. 175 of the Law of Commerce.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 14, 2010.



Saleh Ahmed Hassan

EXHIBIT A



مركز الفائق للترجمة FAEQUE TRANSLATION CENTER

**Kuwait Lawyers Society
Lawyer
SALEH HAMED HASSAN**

Grade of Enrollment : Constitutional and Supreme court

Date of Enroll in the

Permanent Schedule : 24/9/1996

Civil No. : 263022301554

Membership No. : 708

Valid till : 30/11/2010

Signed by : Head of the Society





جمعية المحامين الكويتية
KUWAITI LAWYERS SOCIETY



المحامي: صالح أحمد حسن

LAWYER/ SALEH AHMED. HASSAN

درجة القيد دستورية وتميز

تاريخ القيد بالجدول الدائم 1996/09/24

263022301554

الرقم المدني

708

رقم العضوية

2010/11/30

ساليه حتى

رئيس الجمعية
عمر حمد العيسى



EXHIBIT B

SINAR TRANSLATION & TYPING



سنار للترجمة والطباعة

State of Kuwait
Ministry of Interior
General Department of Investigations

DATE: 7/3/2007

Ref:

TO WHOM IT MAY CONCERN

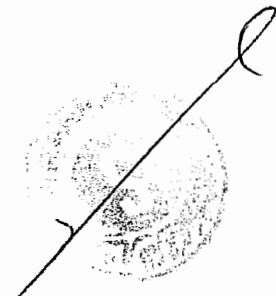
After perusal of Misdemeanor File No.(176/2005) – Al-Sharq Police Station, it is found that it holds the FIR – lodged by Mr. Elvis Andrew Pinto- Commercial Manager of “Maersk Inc. – Kuwait, dated 9/5/2005, in which he accused each of Arween Singh Sahni, Joginder Singh Sahni, Sabharwal Chandra Kumar and Parker Dawood Tajuddin Ismail Parker –in cheating and fraud against Maersk Company, through using of a forged document (Bill of Lading) and got, in the return, hold of Delivery Order of the Goods shipped from United States of America through his Company to Kuwait.

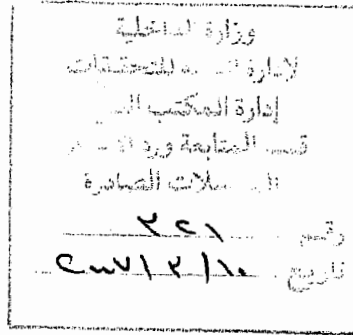
The said misdemeanor case is under investigation, and the final action is not issued yet.

This certificate has been written and delivered to “Joginder Singh Sahni” on his demand.

Director General
General Department of Investigations
Falah Saad Al Oteibi

- Copy for follow-up for filing with Certificates File.
- Copy with misdemeanor file – for returning it to the cases register.
- Copy to the General File.





التاريخ: ٢٠٠٧/٣/٧

شهادته لمن يجهله الأمر

بعد الإطلاع على ملف الجثة رقم (٢٠٠٥/١٧٦) مخفر الشرق ، تبين أنها تتضمن
البلاغ المقدم من/الفييس أندريو بنتو المدير التجاري لشركة ميرسك كويت ، بتاريخ ٢٠٠٥/٥/٩
، الذي أتهم فيه كل من /أروين سينك ساهني و/جوكندر سنك ساهني و/صبروال شاندر كومار
و/باركر داوود تاج الدين إسماعيل باركر ، بالنصب والأحتيال على شركة ميرسك عن طريق
إستعمال محرر مزور (بوليصة شحن) وأستولوا في المقابل على أذن تسليم بضاعة تم شحنها
من الولايات المتحدة الأمريكية عبر شركته إلى الكويت .

ومازالت الجثة المذكورة قيد التحقيق ، ولم يصدر فيها تصرف نهائي بعد .
وقد حررت هذه الشهادة وسلمت الى /جوكندر سنك ساهني ، بناء على طلبه.

مدير عام الاداره العامه للتحقيقات
فلاح سعد العتيبي



مدير عام الاداره العامه للتحقيقات
فلاح سعد العتيبي

نسخه/للمتابعة للحفظ بملف الشهادات .

نسخه/مع ملف الجثة لإعادتها الى سجل القضايا .

نسخه/للملف العام .